IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 3:04-cr-041

also Civil Case No. 3:05-cv-135

District Judge Walter Herbert Rice

Chief Magistrate Judge Michael R. Merz

-VS-

ARNOLD SATTERWHITE,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #36), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on May 12, 2005, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that Mr. Satterwhite's §2255 Motion be denied with prejudice along with the privilege of appealing *in forma pauperis* and any certificate of appealability because the conclusions in this Report are not debatable among reasonable jurists.

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May 23, 2005.

Walter Herbert Rice United States District Judge